

No. 22-2177

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**In the United States Court of Appeals  
for the fourth Circuit**

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MATTHEW ORSO, *Plaintiff-Appellee*,

v.

DOUGLAS-RAY SULLIVAN, *Defendant-Appellant*

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On Appeal from the United States District Court  
for the Western District of North Carolina  
Case No. 3:14-cv-00091 (Hon. Graham C. McMullen)

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**PLAINTIFF-APPELLEE'S MOTION TO DISMISS APPEAL OF  
DEFENDANT-APPELLANT**

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**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Local Rule 26.1, Plaintiff-Appellee states that the Plaintiff-Appellee is not a publicly held corporation or similar legal entity, and no public held corporation or similar legal entity holds 10% or more of the Plaintiff-Appellee. No publicly held corporation or similar legal entity has a direct financial interest in the outcome of the litigation. The Plaintiff-Appellee is not a trade association.

**APPELLEE’S MOTION TO DISMISS APPEAL**

Plaintiff/Appellee, NATIONWIDE JUDGMENT RECOVERY, INC., as successor to original Plaintiff Matthew T. Orso, by undersigned counsel, hereby moves to dismiss the instant appeal on the grounds that it is untimely. The order upon which this appeal is based was issued on September 14, 2022. The Appellant filed his Notice of Appeal on November 15, 2022. Since the Notice of Appeal was filed more than thirty days after the entry of the order, the appeal is untimely and should be summarily dismissed. See Federal Rule of Appellate Procedure 4(a)(1)(A).

WHEREFORE, the Plaintiff/Appellee respectfully requests that the instant appeal be dismissed.

Dated: April 7, 2023

Respectfully submitted,  
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**CERTIFICATE OF COMPLIANCE**

The foregoing complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2) because it contains, excluding those parts of the motion exempted (if any) by Federal Rule of Appellate Procedure 32(f). The motion complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5)-(6) because it has been prepared in a proportionately spaced typeface using Microsoft Word 2010 in Times New Roman 14-point font.

/s/Alison N. Emery  
Alison N. Emery

**CERTIFICATE OF FILING AND SERVICE**

Pursuant to Federal Rule of Appellate Procedure 25, I hereby certify that on April 7, 2023, I caused the foregoing to be filed via ECF, and sent a copy via First Class United States Mail to: Douglas-Ray Sullivan, Plaintiff pro per, PO Box 2262, Washington, NC 27889.

/s/Alison N. Emery  
Alison N. Emery